

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

ORGANIZATION FOR BLACK)
STRUGGLE, et al.,)
)
)
Plaintiffs,)
)
)
v.) Case No. 2:20-CV-04184-BCW
)
JOHN R. ASHCROFT,)
in his official capacity as)
Missouri Secretary of State, et al.,)
)
Defendants.)

ORDER

Before the Court are Plaintiffs' Motion for Entry of Clerk's Default as to Defendant Jackson County Election Board (Doc. #108), Defendant Jackson County Board of Election Commissioners' Motion for Leave to Join Pending Motions of Other Defendants (Doc. #110). The Court, being duly advised of the premises, denies as moot said motion for entry of default and grants in part and denies in part the motion for leave to join pending motions.

On September 17, 2020, Plaintiffs the Organization for Black Struggle, the St. Louis A. Philip Randolph Institute, the Greater Kansas City A. Philip Randolph Institute, the National Council of Jewish Women St. Louis Section, and Missouri Faith Voices (collectively, Plaintiffs) filed three claims relating to Missouri's election laws against Defendants Ashcroft, and the county election authorities of Greene County, Jackson County, St. Charles County, and St. Louis County. The record reflects service on each of these defendants. (Docs. #20, #35, #30, #29, #33).

A. Plaintiffs' motion for entry of default against Jackson County is denied as moot.

Plaintiffs' motion for entry of default (Doc. #108) pertains only to the Jackson County Election Board. (Doc. #108). Plaintiffs' motion argues the Clerk of the Court should enter default

against Jackson County under Fed. R. Civ. P. 55(a) for failure to timely respond to the complaint or summons. (Doc. #108). Plaintiffs filed the motion for entry of default against Jackson County on February 18, 2021.

“When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend . . . the clerk must enter the party’s default.” Fed. R. Civ. P. 55(a). In this case, counsel for Jackson County entered an appearance on March 4, 2021, and also filed a motion for leave to join the pending motions to dismiss Plaintiffs’ first amended complaint. (Doc. #110). Because these filings indicate an intent to defend Plaintiffs’ claims, the motion for entry of default against Jackson County is denied as moot.

B. Jackson County’s motion for leave to join pending motions is granted in part and denied in part.

On March 4, 2021, Jackson County filed a motion for leave to join in the pending motions to dismiss filed by Defendant Ashcroft (Doc. #89) and Defendant the Greene County, Missouri Clerk’s Office (Doc. #88). While Jackson County’s motion to join was pending, the Court granted Defendant Ashcroft’s motion to dismiss. (Doc. #112). The Court has not yet ruled on Greene County’s motion to dismiss or alternative motion for judgment on the pleadings. (Doc. #88).

Because the Court granted Defendant Ashcroft’s motion to dismiss, and ruled on the motion without consideration of the motion as it pertained to Jackson County, the motion to join Defendant Ashcroft’s motion to dismiss is denied as moot.

However, Defendant Greene County’s motion to dismiss or alternative motion for judgment on the pleadings remains pending, and the Court grants Jackson County’s motion for leave to join Greene County’s motion. The Court acknowledges Plaintiffs’ opposition to the joinder motion is not due until March 18, 2021 and grants Jackson County’s motion to join notwithstanding. Accordingly, it is hereby

ORDERED Plaintiffs' Motion for Entry of Clerk's Default as to Defendant Jackson County Election Board (Doc. # 108) is DENIED AS MOOT. It is further

ORDERED Defendant Jackson County's Motion for Leave to Join Pending Motions of Other Defendants (Doc. #110) is GRANTED IN PART AND DENIED IN PART. The motion to join Defendant Ashcroft's motion to dismiss is DENIED AS MOOT. The motion to join Defendant Greene County's motion to dismiss or alternative motion for judgment on the pleadings is GRANTED.

IT IS SO ORDERED.

DATED: March 12, 2021

/s/ Brian C. Wimes
JUDGE BRIAN C. WIMES
UNITED STATES DISTRICT COURT